

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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CARL SHUPE and CONSTRUCTION	:	
LABORERS PENSION TRUST FOR SOUTHERN	:	
CALIFORNIA, Individually and on Behalf of	:	No. 21-cv-11528
All Others Similarly Situated,	:	
Plaintiffs,	:	Honorable Thomas L. Ludington
	:	District Judge
v.	:	
	:	Honorable Anthony P. Patti
ROCKET COMPANIES, INC., JAY D. FARNER,	:	Magistrate Judge
DANIEL GILBERT and ROCK HOLDINGS INC.,	:	
Defendants.	:	
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**REPLY IN SUPPORT OF DEFENDANTS' MOTION TO RESTORE THE  
PREVIOUSLY AGREED-UPON AND SO-ORDERED EVIDENTIARY  
HEARING**

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April 26, 2024

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*Counsel for Defendants Rock Holdings Inc.,  
Jay Farner, and Daniel Gilbert*

On April 5, 2024, Defendants filed a short motion requesting that the Court set a date for the evidentiary hearing on class certification to which the parties previously agreed and which the Court, following the entry of its revised class certification scheduling order (ECF No. 107), indicated it would re-schedule. Nothing about Defendants' request for an evidentiary hearing is controversial, as courts frequently hold evidentiary hearings at class certification where complex issues are involved, as here. (*See* Mot., ECF No. 158 at 2 & nn.1-2, PageID 17701.)

Plaintiffs' response to Defendants' motion—in which Plaintiffs now oppose a hearing they previously stipulated to—merely confirms Plaintiffs' apprehension about the prospect of their experts and class representatives providing live testimony before this Court. Defendants will not burden the Court with more paper concerning the arguments in Plaintiffs' response. Plaintiffs' attempts to evade a hearing that the parties previously agreed to are meritless on their face, and discovery has cast serious doubts regarding Plaintiffs' expert analysis (which Plaintiffs avoid discussing until the last two sentences of their response) and the adequacy of Plaintiffs' class representatives. Accordingly, the Court should hold the hearing that it previously scheduled.

### **CONCLUSION**

For the foregoing reasons, the Court should reschedule the hearing on Plaintiffs' motion for class certification and hold a one-day evidentiary hearing.

As noted in Defendants' motion, Defendants respectfully request that the evidentiary hearing be scheduled in June or July 2024 in light of the upcoming trial in the related derivative action pending in the Delaware Court of Chancery.

April 26, 2024

/s/ Nick Gorga

Nick Gorga (P72297)

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(Additional counsel listed on cover)

*Counsel for Rocket Companies, Inc.*

Respectfully submitted,

/s/ Jeffrey T. Scott

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### **CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2024, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: None.

Respectfully submitted,

/s/ Jeffrey T. Scott

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April 26, 2024